

COMSCINST 4360.1C	COG CODE N3/5	DATE 10 MAR 77
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DEPARTMENT OF THE NAVY
COMMANDER MILITARY SEALIFT COMMAND
WASHINGTON NAVY YARD BLDG 210
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WASHINGTON DC 20398-5540

COMSCINST 4360.1C
M-32
10 March 1977

COMSC INSTRUCTION 4360.1C

Subj: Policy and guidance concerning civilian labor disputes in the maritime industry

1. Purpose. This instruction promulgates COMSC policy and guidance concerning civilian labor disputes in the maritime industry.

2. Cancellation. COMSCINST 4360.1B.

3. General

a. Overall responsibility of Navy interest in contract or labor disputes is exercised by the Assistant Secretary of the Navy (Installations and Logistics) through Chief of Naval Material. A strike or work stoppage within the maritime industry can seriously disrupt the ocean transportation of DOD cargoes. When the movement of DOD cargo is affected, MSC has direct work stoppages by U.S. maritime seamen; the Military Traffic Management Command (MTMC) has direct responsibility with regard to CONUS strikes or work stoppage affecting stevedores, railroads, trucks, airlift or terminal operations. The Deputy Director for Contract Administration Services (DCAS) of the Defense Supply Agency (DSA) has direct concern and interest with regard to work stoppages in POL refineries and terminals in CONUS which affect military petroleum supply.

b. With the advent of container and barge systems the effects of labor disputes involving or affecting the maritime industry in both CONUS and in foreign countries are of great importance to DOD shippers. MSC has the responsibility of collecting labor difficulty information concerning all segments of intermodal container and barge systems and keeping all concerned informed.

4. Scope. In addition to the applicability as outlined in paragraph 3, this instruction is equally applicable to strikes or work stoppages involving tug boat crews which affect ocean and coastal tows and intraharbor moves which are to direct concern to and the

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responsibility of MSC. It is applicable to strikes to work stoppages involving shipyards and ship repair facilities which affect the movement of MSC controlled ships by reason of such ships being in such yards or facilities at the time of occurrence of a strike or work stoppage.

5. Background. In past disputes, through arrangements with appropriate MSC and/or MTMC representatives, maritime industry unions have agreed to exempt from strike or work stoppage certain commercial ships carrying, loading or discharging DOD cargoes; similarly, commercial owners and/or operators have provided required shipping or services. Such action has been effective in maintaining the movement of DOD cargoes.

6. Policy. In accordance with provisions of Armed Services Procurement Regulation 12-101.1, MSC activities shall remain impartial and refrain from taking a position on the merits of any labor dispute and shall refrain from the conciliation, mediation, or arbitration of any such dispute. They shall act, however, to avoid or minimize the impact of labor disputes on the ocean movement of DOD cargoes. Further, as all DOD cargo sponsored for the ocean movement is essential, there will be no exception or fragmentation of cargo considered when dealing with unions or management.

7. Guidance. When disputes involve the maritime industry that affect not only ocean shipping but also the inland movement of DOD cargoes in intermodal containers/barges, MSC commands, in conjunction with MTMC, DCAS or overseas terminal authority as appropriate, will seek arrangements with both labor and management for the movement of DOD cargoes. If arrangements cannot be made to meet military requirements in this manner, COMSC will then request higher authority to take the necessary action to enable MSC to obtain the required capability.

8. Action

a. Actions to be taken by MSC commands will vary with each dispute and must be handled on case by case basis. Since both labor and management negotiate and retain decision making authority at headquarters or home office level, the MSC area commander within whose area these offices are located, is responsible for arranging with labor and management officials for the sailing of commercial ships lifting military cargo during maritime strikes or work stoppages. The MSC commander having operational control of the ships threatened or affected by a strike or work stoppage shall advise the MSC area commander who is responsible for arranging with labor and management (if they are not one and the same) as soon as possible, of the situation, the ships, shipping lines, and unions involved. Close coordination and cooperation between all MSC commands to provide expeditious exchange of information and to ensure timely notification of pending labor difficulties is necessary. It is essential that the MSC area commander charged with

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dealing with labor and management be kept abreast of current developments in order to facilitate such dealings.

b. MSC commands shall, when it appears that a strike or work stoppage will occur or is threatened, notify COMSC and appropriate MSC area commanders by message and state pertinent circumstances including the estimated effect on operations and length of strike and actions to be taken or contemplated. The area command which is in contact with the union headquarters and is arranging for the sailing of commercial ships shall submit daily situation reports to COMSC, other MSC commands and to such other addressees as may be directed.

c. The following general guidance is furnished and indicates some of the possible actions that may be taken either directly in the event of a seamen's strike or in conjunction with MTMC, DCAS, or overseas terminal authority in the event of a strike by longshoremen or POL refinery/terminal unions:

(1) Attempt to have management and labor voluntarily agree to exempt ships required for the movement of military cargo from the labor dispute.

(2) Establish contact with the disputing parties and develop procedures as necessary to provide the service and capability required for movement of military cargo. Coordinate with MTMC, DCAS or overseas terminal authority.

(3) Be prepared to re-route or reschedule controlled ships to insure maximum utilization.

(4) Coordinate with MTMC to establish priorities, alternate ports, and consolidation of cargo. This shall include action to identify frustrated containerized cargoes, establishing movement priorities, providing for unstuffing of frustrated containers as feasible for reoffering as break-bulk or to other container services not affected by the strike. In addition, prepare plans for disposition of frustrated containers which are not feasible to unstuff with view to leasing containers from struck operators for lift by operators not affected by strike or controlled shipping as available.

(5) If sufficient warning of impending labor dispute is received take necessary actions to minimize effect on MSC operations.

(6) In event of labor disputes in other industries such as rail, truck, and air, establish liaison with MTMC and other agencies, as appropriate, to insure that necessary action is taken to meet requirements that may be placed against MSC.

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(7) In the event a controlled ship in a shipyard or repair facility, is overtaken by a strike or work stoppage by ship repair personnel and the repair work has not yet commenced or has sufficiently progressed so that the ship is seaworthy and could otherwise perform, every effort will be made to have all factions of management and labor voluntarily agree to permit such ship to move and participate in lift and movement of DOD cargo as assigned by MSC. This action, however, requires prior clearance with Chief of Naval Material, code NMAT 02L, via COMSC.

9. Report Symbol. Reports control symbol MSC 4360-1 (MIN: ETAUTH) is assigned the daily situation report requirement of paragraph 8b above. Electrical transmission is authorized during MINIMIZE.

/S/

S. H. MOORE

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